

REMARKS

35 U.S.C. § 103 Claim Rejections

The Examiner has rejected claims 1, 3-5, 7, 10-11, 14, 17, 19 and 21-29 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. (U.S. Pat. Pub. 2003/0171824) in view of Narcisco, Jr. (U.S. Pat. No. 5,429,634). The Examiner has also rejected claims 2, 6, 8-9, 12, 15, 20 and 28 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. in view of Narcisco, Jr. and further in view of Schaldach et al. (U.S. Pat. Pub. 2002/0123793). The Examiner has also rejected claims 13 and 16 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. in view of Narcisco, Jr. and further in view of Yang (U.S. Pat. No. 6,613,082). The Examiner has also rejected claims 9, 13, 18 and 30-42 as being unpatentable under 35 U.S.C. § 103(a) over Abraham et al. in view of Narcisco, Jr. and further in view of Sabolinski (U.S. Pat. Pub. 2004/0002772).

The Applicant has carefully considered the Examiner's comments. In response, the Applicant has amended claims 1, 12, 14, 16, 18-19, 27, 29-31, 39 and 41-42. Claims 2-11, 13, 15, 17, 20-26, 28, 32-38 and 40 have been cancelled. Applicant respectfully submits that these amendments and cancellations place the application in condition for allowance.

Applicant's claims as now presented are not disclosed by the prior art and there is no motivation or suggestion to combine the prior art to achieve Applicant's claimed invention.

Specifically, claim 1 now requires a medical implant made from a cannula that is formed from at least a first layer, a second layer, and a third layer. At least two of the first, second and third layers are made from different non-synthetic, natural tissues. The first layer is an inner layer. The second layer is a middle layer. The third layer is an outer layer. The cannula is characterized by the absence of a synthetic support structure. The second layer is a structural layer that supports the cannula against a vessel wall, and the first and second layers include growth factors that encourage the vessel wall to grow within the first and second layers. The cannula also has a plurality

of openings that extend through the wall defined by the first, second and third layers. The plurality of openings form a pattern of struts.

Claim 19 requires a medical implant made from a cannula that is formed from a wall. The wall is formed from at least a first layer and a second layer. The first and second layers are each made of different non-synthetic, natural tissues. The first layer is an inner layer made from small-intestine submucosa. The second layer is an outer layer to the first layer and is made from cartilage. The cannula is characterized by the absence of a synthetic support structure. The cannula also has a plurality of openings that extend through the wall to form a pattern of connected struts.

Claim 31 requires a medical implant made from a cannula that is formed from a wall. The wall is formed from at least a first layer and a second layer. The first and second layers are each made of different non-synthetic, natural tissues. The first layer is an inner layer to the second layer and is made from cartilage. The second layer is an outer layer made from small-intestine submucosa. The cannula is characterized by the absence of a synthetic support structure. The cannula also has a plurality of openings that extend through the wall to form a structure of connected struts so that the structure is expandable to support the cannula against a dilated vessel wall.

None of the prior art of record discloses this combination of elements. As the Examiner points out, the prior art (e.g., Abraham et al., Narcisco, Jr., and Sabolinski) discloses various structures that may be made from natural tissues. However, none of these references disclose the specific structures claimed by Applicant. Moreover, any attempt to combine the prior art to achieve Applicant's invention would involve impermissible hindsight. Therefore, Applicant's claims as now presented are allowable.

Conclusion

In response to the Examiner's comments, Applicant has amended claims 1, 12, 14, 16, 18-19, 27, 29-31, 39 and 41-42 and has cancelled claims 2-11, 13, 15, 17, 20-26, 28, 32-38 and 40. The prior art of record does not disclose the combination of elements now claimed by Applicant. Accordingly, Applicant requests reconsideration and allowance of the application.

Respectfully submitted,



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